

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

TEXAS, et al.,

Defendants.

Civil Action No. 5:21-cv-844(XR)
(Lead Case)

OCA-GREATER HOUSTON, LEAGUE
OF WOMEN VOTERS OF TEXAS,
REVUP-TEXAS, TEXAS
ORGANIZING PROJECT, and
WORKERS DEFENSE ACTION FUND,

Plaintiffs,

v.

TEXAS SECRETARY OF STATE JOHN
SCOTT, *in his official capacity*, TEXAS
ATTORNEY GENERAL KEN
PAXTON, *in his official capacity*,
HARRIS COUNTY ELECTIONS
ADMINISTRATOR ISABEL
LONGORIA, *in her official capacity*,
TRAVIS COUNTY CLERK DANA
DEBEAUVOIR, *in her official capacity*,
HARRIS COUNTY DISTRICT
ATTORNEY KIM OGG, *in her official
capacity*, TRAVIS COUNTY DISTRICT
ATTORNEY JOSÉ GARZA, *in his
official capacity*,

Defendants.

1:21-cv-0780-XR
(Consolidated Case)

PLAINTIFF OCA-GREATER HOUSTON'S FIRST SET OF INTERROGATORIES TO
DEFENDANT HARRIS COUNTY DISTRICT ATTORNEY KIM OGG IN HER
OFFICIAL CAPACITY

TO: Harris County District Attorney Kim Ogg, in her official capacity, by and through her attorney of record, Eric J.R. Nichols, Butler Snow LLP, 1400 Lavaca Street, Suite 1000, Austin, TX 78701.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff OCA-Greater Houston requests that Defendant Harris County District Attorney Kim Ogg, in her official capacity (“Defendant” or “Defendant Ogg”), answer the following interrogatories, separately and fully, in writing and under oath. Plaintiff requests that Defendant Ogg serve her answers and any objections to undersigned counsel within 30 days of service of these interrogatories.

DEFINITIONS

1. The terms “and” and “or” are to be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this demand any document or thing which would otherwise not be brought within its scope.
2. All phrases following the terms “including” or “including but not limited to” are intended to illustrate the kinds of information responsive to each request. Such examples are not intended to be exhaustive of the materials sought by the request and shall not in any way be read to limit the scope of the request.
3. “Communication” or “communications” means any disclosure, conveyance, transfer, or exchange of any information or documents from one person to another or among multiple persons by any means or in any form, including but not limited to oral, written, in-person, telephonic, electronic, digital, mailed, or otherwise.
4. “Documentation” or “documents” includes, but is not limited to, the following items whether printed or recorded or reproduced by any other mechanical process or written or produced by hand: agreements, communications, reports, charges, complaints, correspondence, telegrams,

memoranda, applications, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, e-mails, diaries, schedules, charts, graphs, worksheets, reports, notebooks, note charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports or records of investigations or negotiations, opinions or reports of consultants, bills, statements, invoices, and all other writings of whatever nature, photographs, motion picture film, brochures, pamphlets, advertisements, circulars, press releases, drafts, letters, tape recordings, disc, data sheet or data processing card, any marginal comments appearing on any document or thing or any other written, recorded, transcribed, filed or graphic master, however produced or reproduced, to which you, as defined in Definition 9 below, will have or have had access.

5. “Concern,” “concerning,” “regarding,” or “relating to” shall mean having any connection, relation, or reference to and include, by way of example and without limitation, discussing, identifying, containing, showing, evidencing, describing, reflecting, dealing with, regarding, pertaining to, analyzing, evaluating, estimating, constituting, comprising, studying, surveying, projecting, recording, relating to, summarizing, assessing, criticizing, reporting, commenting on, referring to in any way, either directly or indirectly, or otherwise involving, in whole or in part.
6. “Identify” when referring:
 - a. to a person, means to state the person’s full name, present or last known address, telephone number, and email address;
 - b. to an organization or entity, means to state its full name, present or last known address, telephone number, fax number, and email address;
 - c. to a document, means to describe its contents; to identify when, where, and how it was made; to identify who made it; and to identify who has present or last known possession, custody, or control of the document;

- d. to a statement or communication, means to describe its contents; to identify when, where, and how it was made; to identify who made it and who was present when it was made; and to identify who has present or last known possession, custody, or control of any recording of the statement or communication;
 - e. to a social media account, means to provide the username of the account, identify all persons who control or have access to the account, provide the date on which the account was created, and describe whether the account is still in existence and/or in use.
- 7. “SB1” means Senate Bill No. 1, a law passed during the Second Special Session of the 87th Texas Legislature in 2021. SB1 contains the provisions at issue in this Lawsuit.
- 8. “Criminal election law” means any criminal provision of the Texas Election Code, or any criminal provision of any other law regulating conduct in connection with voting or elections. This includes but is not limited to SB1 sections 6.04, 6.06, and 7.04.
- 9. “You” or “your office” means Harris County, including the Office of the Harris County District Attorney, the Harris County District Attorney, her predecessors and successors as Harris County District Attorney, and the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of the Office of the Harris County District Attorney.
- 10. “OAG” means the Office of the Texas Attorney General and includes the Texas Attorney General, his predecessors and successors as Texas Attorney General, and the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of the Office of the Texas Attorney General.
- 11. “SOS” means the Office of the Texas Secretary of State and includes the Texas Secretary of State, his predecessors and successors as Texas Secretary of State, and the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of the Office of the Texas Secretary of State.
- 12. “State official” or “State officials” means the current and former employees, officers,

attorneys, agents, trustees, investigators, representatives, contractors, and consultants of any statewide office of the State of Texas, as well as the statewide office itself, including but not limited to the OAG and the SOS as set out in the definitions above.

13. “Local official” or “local officials” means the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of any political subdivision or office of a political subdivision of the State of Texas, as well as the political subdivision or office of a political subdivision itself. This includes but is not limited to Texas County District Attorney’s Offices, Texas County Criminal District Attorney’s Offices, Texas County Attorney’s Offices, Texas County Election Administrator’s Offices, Texas County Clerk’s Offices, and Texas County Tax-Assessor-Collector’s Offices, along with their current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants.

14. “Texas Legislature” means the current and former members of the Texas Legislature and the current or former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of those members.

15. “Members of the public” means any natural person or natural or legal entity not included in the definitions of you, the OAG, the SOS, State officials, local officials, or the Texas Legislature as set out in the definitions above.

INSTRUCTIONS

1. To the fullest extent permitted by the Federal Rules of Civil Procedure, these Interrogatories are intended to be continuing in nature. Defendant is requested and required to timely supplement its answers when appropriate or necessary to make them correct or complete.

2. In each instance where you answer an Interrogatory on information and belief, set forth the basis for such information and belief.
3. In each instance where you deny knowledge or information sufficient to answer an Interrogatory, set forth the name and address of each person, if any, who knows, or you believe possesses such knowledge.
4. In each instance where you claim insufficient knowledge or information to provide a complete answer to an Interrogatory, set forth the description of the efforts you made to locate information needed for such answers.
5. Identify all documents upon which you rely in responding to each interrogatory (by Bates number if available).
6. For the purpose of interpreting and construing the scope of these Interrogatories, Defendant is instructed to give words their most expansive and inclusive meanings, unless otherwise specifically limited by the language of an individual request. Defendant should, therefore:
 - a. construe the words “and” as well as “or” in the disjunctive or conjunctive, as necessary to make the request more inclusive;
 - b. construe the term “including” to mean “including, but not limited to;”
 - c. construe the singular form of a word to include the plural and the plural form to include the singular;
 - d. construe a masculine noun or adjective to include the feminine and *vice versa*; and
 - e. construe the words “all” and “each” to mean both all and each.
7. All definitions and rules of construction contained in the Federal Rules of Evidence and the Federal Rules of Civil Procedure are incorporated herein by reference.
8. Unless otherwise indicated, the use in these Interrogatories of the name or identity of any person, business organization, or other entity shall specifically include all of that entity’s present or former: employees, officers, directors, agents, representatives, members, attorneys, departments, sections, affiliates, subsidiaries, parents, and all other persons acting on its behalf.

9. Any terms not expressly defined herein, but defined in any agreement between the parties, shall have the same meanings as in those agreements

**PLAINTIFF OCA-GREATER HOUSTON'S FIRST SET OF INTERROGATORIES TO
DEFENDANT HARRIS COUNTY DISTRICT ATTORNEY KIM OGG IN HER
OFFICIAL CAPACITY**

All interrogatories are limited in time from January 1, 2016, until present day.

Interrogatory No. 1: Identify and describe with particularity all investigations, criminal proceedings, or prosecutions initiated or participated in by your office and predicated at least in part on a violation or suspected violation of criminal election law.

RESPONSE:

Interrogatory No. 2: For each investigation, criminal proceeding, or prosecution identified in response to Interrogatory No. 1, identify all local officials or State officials involved, other than you, and describe with particularity the role each local official or State official played. This identification may be limited to the political subdivision, political subdivision office, or statewide office with which the officials are affiliated rather than the names of individual persons.

RESPONSE:

Interrogatory No. 3: Identify and describe with particularity any practices or policies of your office specific to the investigation or prosecution of violations or suspected violations of criminal election law.

RESPONSE:

Interrogatory No. 4: If you contend that the OAG is responsible for or engages in the investigation or prosecution of violations or suspected violations of criminal election law within Harris County:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contention.

RESPONSE:

Interrogatory No. 5: If you contend that any local official other than you is responsible for or engages in the investigation or prosecution of violations or suspected violations of criminal election law within Harris County:

- A. Identify the local official(s);

- B. State the facts that support your contention(s); and
- C. Identify all documents that support your contention(s).

RESPONSE:

Interrogatory No. 6: Identify and describe with particularity all investigations, criminal proceedings, or prosecutions in Harris County carried out by any local official other than you and predicated at least in part on a violation or suspected violation of criminal election law.

RESPONSE:

Interrogatory No. 7: Identify and describe with particularity any communications your office has had with the OAG regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 8: Identify and describe with particularity any communications your office has had with the SOS regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 9: Identify and describe with particularity any communications your office has had with State officials, if not identified and described in your responses to Interrogatories No. 7 and 8 above, regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 10: Identify and describe with particularity any communications your office has had with local officials other than you regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 11: Identify and describe with particularity any communications your office has had with the Texas Legislature regarding the investigation or prosecution of violations or

suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 12: Identify and describe with particularity any communications your office has had with members of the public regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

RESPONSE:

Interrogatory No. 13: Identify and describe with particularity any press releases, public announcements, or any other communication made by your office to persons, entities, or media external to your office relating to the enforcement of criminal election law.

RESPONSE:

Date: April 12, 2022

Respectfully submitted,

/s/ Zachary Dolling

Mimi M.D. Marziani
Texas Bar No. 24091906
Hani Mirza
Texas Bar No. 24083512
Zachary Dolling
Texas Bar No. 24105809
Sarah Chen*

TEXAS CIVIL RIGHTS PROJECT

1405 Montopolis Drive
Austin, TX 78741
512-474-5073 (Telephone)
512-474-0726 (Facsimile)
mimi@texascivilrightsproject.org
hani@texascivilrightsproject.org
zachary@texascivilrightsproject.org
schen@texascivilrightsproject.org

Thomas Buser-Clancy
Texas Bar No. 24078344

Savannah Kumar
Texas Bar No. 24120098
Ashley Harris
Texas Bar No. 24123238
Andre Segura
Texas Bar No. 24107112
**ACLU FOUNDATION OF TEXAS,
INC.**
5225 Katy Freeway, Suite 350
Houston, TX 77007
Telephone: (713) 942-8146
Fax: (915) 642-6752
tbuser-clancy@aclutx.org
skumar@aclutx.org
aharris@aclutx.org
asegura@aclutx.org

Adriel I. Cepeda Derieux*
Ari Savitzky*
Sophia Lin Lakin*
Samantha Osaki*
**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**
125 Broad St., 18th Floor New York,
NY 10004 (212) 284-7334
acepedaderieux@aclu.org
asavizky@aclu.org
slakin@aclu.org
sosaki@aclu.org

Susan Mizner*
**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**
39 Drumm St.
San Francisco, CA 94111
(415) 343-0781 (phone)
smizner@aclu.org

LIA SIFUENTES DAVIS
Texas State Bar No. 24071411
LUCIA ROMANO
Texas State Bar No. 24033013
DISABILITY RIGHTS TEXAS
2222 West Braker Lane Austin, Texas
78758-1024
(512) 454-4816 (phone)

(512) 454-3999 (fax)
ldavis@drtx.org
lromano@drtx.org

Jerry Vattamala*
Susana Lorenzo-Giguere*
Patrick Stegemoeller*
**ASIAN AMERICAN LEGAL
DEFENSE AND EDUCATION
FUND**
99 Hudson Street, 12th Floor New
York, NY 10013
(212) 966-5932 (phone)
(212) 966 4303 (fax)
jvattamala@aaldef.org
slorenzo-giguere@aaldef.org
pstegemoeller@aaldef.org

Jessica Ring Amunson*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Ave. NW, Suite 900
Washington, DC 20001
(202) 639-6000
jamunson@jenner.com
umittal@jenner.com

Sophia Cai*
JENNER & BLOCK LLP
455 Market St. Suite 2100
San Francisco, CA 94105
scai@jenner.com

***COUNSEL FOR PLAINTIFFS OCA-
GREATER HOUSTON, ET AL.***

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2022, I served a true and correct copy of the foregoing via electronic mail on all counsel of record.

/s/ Zachary Dolling
Zachary Dolling

Texas Bar No. 24105809
TEXAS CIVIL RIGHTS PROJECT
1405 Montopolis Drive
Austin, TX 78741
512-474-5073 (Telephone)
512-474-0726 (Facsimile)
zachary@texascivilrightsproject.org